

RESOLUTION NO. _____

**A RESOLUTION OF THE COUNCIL OF THE CITY OF
SAN JOSE AMENDING THE ENVISION SAN JOSE 2040
GENERAL PLAN PURSUANT TO TITLE 18 OF THE
SAN JOSE MUNICIPAL CODE TO MODIFY THE LAND
USE/TRANSPORTATION DIAGRAM TO COMBINED
INDUSTRIAL / COMMERCIAL AT 1202 OAKLAND ROAD**

Winter 2018 General Plan Amendment Cycle (Cycle 1)

GP16-011

WHEREAS, the City Council is authorized by Title 18 of the San José Municipal Code and state law to adopt and, from time to time, amend the General Plan governing the physical development of the City of San Jose; and

WHEREAS, on November 1, 2011, the City Council adopted the General Plan entitled, "Envision San José 2040 General Plan, San José, California" by Resolution No. 76042, which General Plan has been amended from time to time (hereinafter the "General Plan"); and

WHEREAS, in accordance with Title 18 of the San José Municipal Code, all general and specific plan amendment proposals are referred to the Planning Commission of the City of San José for review and recommendation prior to City Council consideration of the amendments; and

WHEREAS, on November 15, 2017, the Planning Commission held a public hearing to consider the proposed amendment to the General Plan, File No. GP16-011 specified in Exhibit "A" hereto ("General Plan Amendment"), at which hearing interested persons were given the opportunity to appear and present their views with respect to said proposed amendments; and

WHEREAS, at the conclusion of the public hearing, the Planning Commission transmitted its recommendations to the City Council on the proposed General Plan Amendment; and

WHEREAS, the recommendation of the Planning Commission and the Director of Planning, Building, and Code Enforcement to the City Council was denial of the application for the General Plan amendment because the requested change in the land use designation for the Subject Property from its current Heavy Industrial (HI) designation would be inconsistent with the Council's land use goals and policies expressed in the General Plan; and

WHEREAS, on December 12, 2017, the Council held a duly noticed public hearing; and

WHEREAS, a copy of the proposed General Plan Amendment is on file in the office of the Director of Planning, Building and Code Enforcement of the City, with copies submitted to the City Council for its consideration; and

WHEREAS, pursuant to Title 18 of the San José Municipal Code, public notice was given that on December 12, 2017 at 6:00 p.m. in the Council Chambers at City Hall, 200 East Santa Clara Street, San José, California, the Council would hold a public hearing where interested persons could appear, be heard, and present their views with respect to the proposed General Plan Amendment (Exhibit "A"); and

WHEREAS, at said hearing, the City Council gave all persons full opportunity to be heard and to present evidence and testimony respecting said matter; and

WHEREAS, the City Council considered this project at the December 12, 2017 public hearing and directed staff to prepare draft documents approving the General Plan

Amendment, Conforming Rezoning, and Conditional Use Permit, and prepare a full analysis of the proposed Conditional Use Permit for the gas station with off-sale of beer and wine and 24-hour use; and

WHEREAS, prior to making its determination on the General Plan Amendment, the City Council reviewed and considered the Initial Study Mitigated Negative Declaration, File No. GP16-011, for this Amendment and adopted the Mitigated Negative Declaration by Resolution No. _____; and

WHEREAS, the Council is the decision-making body for the proposed General Plan Amendment.

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NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SAN JOSE AS FOLLOWS:

SECTION 1. The Council's determinations regarding General Plan Amendment File No. GP16-011 is hereby specified and set forth in Exhibit "A," attached hereto and incorporated herein by reference.

SECTION 2. This Resolution shall take effect thirty (30) days following the adoption of this Resolution.

ADOPTED this _____ day of _____, 2018, by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

SAM LICCARDO
Mayor

ATTEST:

TONI J. TABER, CMC
City Clerk

STATE OF CALIFORNIA)
) ss
COUNTY OF SANTA CLARA)

I hereby certify that the amendments to the San José General Plan specified in the attached Exhibit A were adopted by the City Council of the City of San José on _____, as stated in its Resolution No. _____.

Dated: _____

TONI J. TABER, CMC
City Clerk

EXHIBIT "A"

File No. GP16-011. A General Plan Amendment to change the Land Use/Transportation Diagram land use designation from Heavy Industrial to Combined Industrial / Commercial on a 1.54 gross acre site located at the northeast corner of Commercial Street and Oakland Road (1202 Oakland Road) (Robinson Oil Corporation, Owner).

Council District: 3.

EXHIBIT A

Winter 2018 General Plan Amendment (Cycle 1)
GP16-011

T-1201.048/1485168.doc
Council Agenda: 02-13-2018
Item No.: 10.2(b)

DRAFT – Contact the Office of the City Clerk at (408)535-1260 or CityClerk@sanjoseca.gov for final document.